

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

December 9, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 11MD-177

Maui

Issuance of Revocable Permit to Felix and Roxanne Vellina for Intensive Agriculture Purposes, Kahakuloa Valley, Wailuku, Maui, Tax Map Key: (2) 3-1-004: 092, 095 and 097.

APPLICANT:

Felix and Roxanne Vellina, husband and wife, as Tenants by the Entirety.

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Wailuku situated at Kahakuloa Valley, Wailuku, Maui, identified by Tax Map Keys: (2) 3-1-004: 092, 095 and 097, as shown on the attached map labeled Exhibit A.

AREA:

.823 acres, more or less.

ZONING:

State Land Use District: Rural
County of Maui CZO: Interim Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Parcel – (2) 3-1-004: 092	Encumbered by LOD- 28086, to Maui Electric Company for Utility Easement purposes.
(2) 3-1-004: 095	Unencumbered
(2) 3-1-004: 097	Unencumbered

CHARACTER OF USE:

Intensive Agriculture purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

Staff is recommending a monthly rent of \$40.00 (minimum). Rent determination is based on similar month-to-month dispositions with the same character of use and comparable leased areas.

Revocable Permit: S-7534	Leslie Dunn	.352 acres	\$13.00 monthly rent
S-7059	Julia Kaiwi	.844 acres	\$13.00 monthly rent
S-5402	Richard Hoopii	.179 acres	\$13.00 monthly rent

The above month-to-month revocable permits have been issued for agriculture purposes and are all located within the Kahakuloa Village area.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or

topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

DCCA VERIFICATION:

Applicant is not operating a business and, as such, is not required to register with DCCA.

REMARKS:

Mr. Felix Vellina and his wife Mrs. Roxanne Sarol Vellina have requested use of State unencumbered lands within Kahakuloa Valley for intensive agriculture purposes. The subject parcels have historically been utilized for taro cultivation. Mr. and Mrs. Vellina, as long-time residents of Kahakuloa, and owners of the adjacent parcel identified as TMK: (2) 3-1-004:093 situate next to the subject lands and intend to continue the preservation of the land by farming taro as their family members have done in the past.

For several years, Felix has been maintaining and farming a variety of plants including banana, green onion, peanuts, papaya and taro in the area.

Parcel 95 and 97 were originally encumbered under Revocable Permit S-6237 to Ned and Mildred Nakoa for agriculture purposes. By letter dated May 17, 1988, Mr. and Mrs. Nakoa provided notification that they were no longer able to maintain the leased area due to lack of time and equipment, and that their nephew Joseph Nakoa Sarol was interested in assuming control of the parcels under the same use. Pursuant to the Board action of August 12, 1988, under item F-1-b, a concurrent cancellation of Revocable Permit S-6237 for the Nakoa's was completed, and a new Revocable Permit S-6575 awarded to Joseph Nakoa Sarol for intensive agriculture purposes. Mr. Sarol requested a cancellation of the permit on April 11, 2006 due to his inability to continue to maintain and farm the properties.

After Joseph Sarol relinquished his revocable permit, parcel 95 and 97 became overgrown with grasses and noxious weeds. It also became a dumpsite because a neighboring private property owner had stored abandoned and derelict vehicles on the premises. This was to the dismay and disgust of the regular long time residents and farmers of the area. In an attempt to reestablish the historic loi's for taro cultivation, Mr. Vellina (Sarol's son-in-law) removed and properly disposed of all the abandoned vehicles at his own expense. He then used his equipment to clear and restore the taro patches to its current useable condition. At the advisement from his father-in-law, he did continue to maintain the two state parcels.

The applicants have not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Mr. Vellina indicated that while growing up he assisted his family with farming a variety of fruits and vegetables for home consumption. He is also a graduate of Baldwin High School where he participated in and completed the Future Farmers of America program. Regarding

taro farming, he has assisted his father in-law for the past five years at the subject parcels within Kahakuloa Valley. He now feels confident that he has the needed experience with the entire process of cultivating taro, from planting phase through maintaining the crops, and harvesting.

In prior years, the Maui District Land Office did receive a request for use of the State lands by an existing nearby tenant, Mr. Leslie Dunn. Mr. Dunn is a long time resident and taro farmer at Kahakuloa Valley. However, upon learning that Mr. and Mrs. Vellina have requested a disposition for the continued use of the area, Leslie Dunn has retracted his application. He related that the Vellinas have been properly maintaining the area, therefore has no objections to their continued use and issuance of a disposition from the State.

Water from the Kahakuloa Stream services the taro patches located on the subject parcels. The water is transported or routed to the loais by a pre-existing gravity fed system that has been in place for over fifty years. Mr. Vellina has indicated that he has no intention or need to create any new diversions within Kahakuloa Stream to service the areas where he intends to farm.

Staff feels strongly that in consideration of the applicants' strong ties to the lands and their past history of caring for the subject area, they will be good tenants.

The subject parcels are landlocked with restricted access primarily to the residents along an unimproved dirt road and therefore we are requesting an encumbrance by way of a month-to-month revocable permit rather than a general lease.

AGENCY COMMENTS:

A request for comment was solicited from the following agencies:

Agency	Comments
DLNR – Historic Preservation	No comment received
Commission on Water Resource Management	Stream Diversion Permit will be required if water will be diverted from the Kahakuloa Stream.
Office of Hawaiian Affairs	No objections
DLNR – Aquatic Resources	No comment received

The Commission on Water Resources Management has reviewed this request for the use of the subject area and provided the following requirements:

1. A Stream Channel Alteration Permit will be required before any alteration can be made to the bed and/or banks of a stream channel;
2. A Stream Diversion Works Permit (SDWP) and a Petition to Amend Instream Flow Standards (PAIFS) will be required if the applicants are diverting water from Kahakuloa Stream.

The proposed use of this property has been continuous and will continue in this rural location. Such use has resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Approval of monthly rent of \$40.00 (minimum).
3. Authorize the issuance of a revocable permit to Felix and Roxanne Vellina covering the subject area for Intensive Agriculture purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Upon receiving approval by the Board, the applicant shall contact the Commission of Water Resources Management to determine if a Stream Diversion Works Permit (SDWP) and a Petition to Amend Instream Flow Standards (PAIFS) will be required for the existing system.

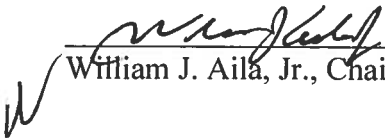
- d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



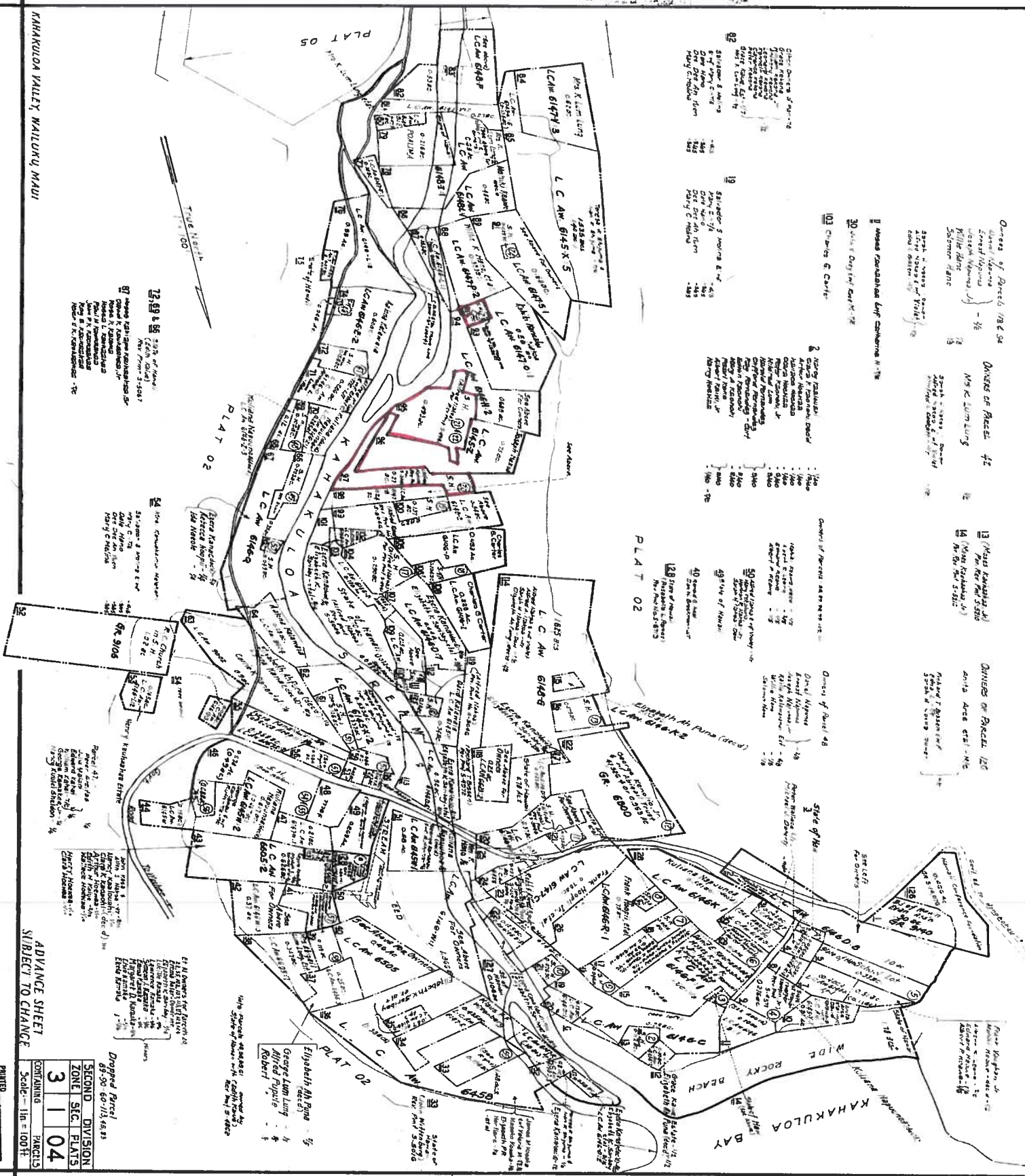
Larry Pacheco, Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

KAHAKULOA VALLEY, MAUI





STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

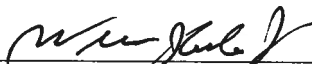
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 28, 2011

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title:	Felix and Roxanne Vellina
Project / Reference No.:	PSF#11MD-177
Project Location:	Kahakuloa Valley, Wailuku, Maui
Project Description:	Month-to-Month Revocable Permit for Intensive Agriculture Purposes.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No. and Description:	In accordance with the Department of Land and Natural Resources Department-wide Exemption List, approved by the Environmental Council and dated December 4, 1991, the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, that states: Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing [HAR. 11-200-8-(a)(1)].
Consulted Parties:	None There will be no change in use from which previously existed.
Recommendation:	It is anticipated this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.


William J. Aila Jr., Chairperson


Date

11/25/11

Inspection: 10/25/2011

Felix & Roxanne Vellina, PSF#11MD-177



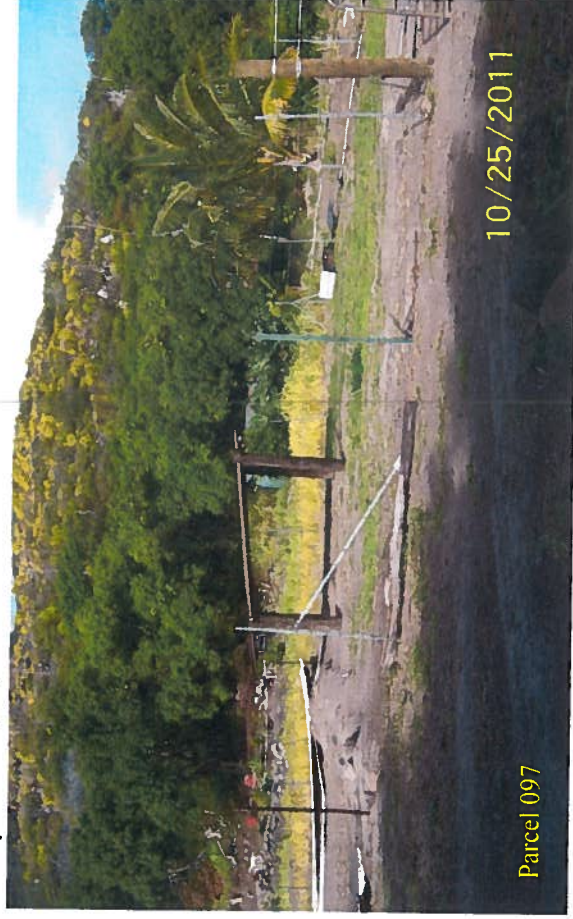
Photos of parcel 095, currently being cultivated with Taro by Felix Vellina.



Parcel 097 has been cleared by Vellina but is currently not being farmed.

Inspection: 10/25/2011

Felix & Roxanne Vellina, PSF#11MD-177



Parcel 092 has been farmed and maintained by Mr. Vellina's family members for several years unknowingly without a permit. Mr. Vellina is now trying to obtain a permit to continue with the agriculture use of the parcel.